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Provisional summary record of the 30th meeting
Held at Headquarters, New York, on Friday, 2 October 2009, at 3 p.m.

Chairman: Mr. Galli (Vice-Chairman) ..... (Croatia)
later: Mr. Urbina (Chairman) ..... (Costa Rica)

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The meeting was called to order at 3 20 p.m.

Thematic discussion

Specific element:

(d) Generate new tools, such as guidelines on handling assistance requests, and develop practical means to address the most commonly found "gaps" in implementation

1. **Mr. Andemicael** (Expert), introducing the agenda item, referred to the five available tools for technical assistance: the legislative database; the database of requests for and offers of technical assistance; the template for the preparation of requests for assistance; the Trust Fund, administered by the Office for Disarmament Affairs; and the action plans and road maps.

2. Challenges included the prioritization of objectives, given the complexity of Security Council resolution 1540 (2004); the lack of action plans and road maps submitted; the development of the Committee's role as a clearing house to match requests for and offers of assistance; the general nature of requests for assistance; the lack of cooperation among international organizations; and the preparation of a strategy by the Committee for the submission of joint requests.

3. The Committee experts proposed options that included sample implementation plans and assistance requests; an overhaul of the databases to make them more user-friendly; incentives for States jointly to make regional and subregional requests; greater use of the dedicated parts of the Trust Fund for regional and global disarmament activities; networking technologies to help those requesting and offering assistance to work as partners; and better matching of requests and offers through more analysis.

4. **Mr. Leslie** (Observer for the Pacific Islands Forum) said that despite the constraints faced by developing States, as international citizens they were committed to fighting terrorism and proliferation; they worked hard to improve legislation and judicial and enforcement capabilities and to strengthen their borders. Despite the request database and the assistance template, the obligations emanating from the resolution were a burden. A more tailored implementation plan was needed that would reflect the capabilities and situation of the Forum's members. One template and a single channel for reporting would be a more realistic approach for developing States.

5. **Mr. Paschalis** (Observer for South Africa) said that dialogue at Headquarters over the usefulness of electronic databases was beneficial, in the light of connectivity problems faced by certain States. Missions must be informed of the information available.

6. **Mr. Chatel** (France) expressed particular support for the proposed search engine that would match requests with offers, with details of sectors involved and information on previous or existing assistance. Requests for assistance must be addressed more quickly, and through coordination, duplication of efforts by regional organizations must be avoided.

7. **Mr. Martyniuk** (Observer for the Organization for Security and Cooperation in Europe (OSCE)) said that there must be stable access to information and strong lines of communication. A roster of experts in themes related to implementation of the resolution, connected to a network of focal points in States' capitals, would be useful. Basing these exchanges on the Internet would ensure their cost-effectiveness.

8. **Mr. Wieland** (Austria) said that implementation gaps must be closed to prevent strict compliance in one region being undermined by loopholes in another. Work in the field of the rule of law and the fight against impunity was essential to close such gaps. States were encouraged to join the Additional Protocol and the Small Quantities Protocol of the International Atomic Energy Agency (IAEA) and to request IAEA support for their requests for assistance regarding implementation of resolution 1540 (2004).

9. **Mr. Paschalis** (Observer for South Africa) said that he wondered about the purpose of specific country visits, in the light of the mandate of the resolution, and asked how decisions to make visits would be reached. An analysis of the cost-effectiveness of conducting visits to groups of countries was needed.

10. **Mr. Cupitt** (Expert) said that States' input would be taken into account in the criteria for country visits.

11. **Mr. Chatel** (France) said that a creative approach to providing assistance was needed because many countries had never reported, many reported infrequently and major gaps remained. Seminars given by experts in legislation held in groups of countries in conjunction with follow-up visits was an option.

12. **Mr. Mashkov** (Russian Federation) said that the criteria for making visits must be based on the mandate contained in resolution 1540 (2004). The Committee must not be overburdened by initiatives with dubious results.

13. **Mr. Shepherd** (United Kingdom) said that voluntary action plans, as introduced in resolution 1810 (2008), were very useful. To enhance implementation, visits to countries or groups of countries, possibly after dialogue at Headquarters, would achieve the most practical results.

(g) Assess the existing templates, particularly the matrix of the Committee, in the light of the information gathered for the 2006 and 2008 reports

14. **Mr. Andemicael** (Expert), introducing the agenda item, said that the following were the main challenges involved in the use of the Committee matrix: many States still found the matrix too complex, despite outreach efforts to explain its content; the matrix did not address the issue of when measures were taken, which made it difficult to assess the impact of the resolution and the work of the Committee; the existing version did not have any fields to provide evidence of implementation measures, other than the mere existence of legislative measures; it did not reflect the extent to which States met international standards in a particular field; and some jurisdictions were not covered by the matrix, since they did not fall neatly into the category of United Nations Member States.

15. To meet those challenges, he suggested reducing the complexity of completing the matrix without losing essential information; introducing elements of time into the matrix; including evidence in the matrix of the execution and enforcement of legislative measures; improving the integration into the matrix of the standards of international bodies; and working with States and international organizations on the implementation of the resolution by non-State authorities.

16. **Mr. Coulon** (Austria) said that the matrix had proved to be an indispensable tool for evaluating the status of implementation of the resolution, identifying gaps in its implementation more clearly and thus determining where to allocate technical assistance to States. As such, it provided the basis for an informed dialogue between members of the Committee and individual States. To improve that dialogue still further, the Committee should seek to adapt the matrix in the light of past experience.

17. His delegation supported methods to reduce the complexity of the matrix without the loss of essential information. For example, the development of a web-based format and a more user-friendly system might help to ensure that complex data was collected as efficiently and effectively as possible. Meanwhile, the introduction of a time element in the matrix could provide the Committee with a fuller picture, leading to the swifter identification of problem areas at the level of national implementation. The matrix could also prove useful as part of any future efforts to acquire new types of information.

18. **Mr. Cui** Wei (China) recalled that the Committee had a mandate to ensure that Security Council resolution 1540 (2004) was implemented by all Member States of the Organization. He therefore questioned the validity and relevance of the term "non-State authorities", as contained in the background paper prepared by the Committee experts.

19. **Mr. Tarar** (Observer for Pakistan) agreed that the Committee must be careful to avoid such unclear and potentially controversial concepts. On a separate issue, he pointed out that not all parts of the world had the same high level of connectivity to the Internet as New York. He therefore wondered to what extent the Committee would realistically be able to help States overcome that problem through the provision of technical assistance alone.

20. **Mr. Paschalis** (Observer for South Africa) said that the matrix would be difficult to simplify in view of the complex nature of Security Council resolution 1540 (2004). It was more important to include the level of implementation of the resolution in the matrix than that time taken for such implementation.

21. **Mr. Shepherd** (United Kingdom) said that the term "non-State authorities" referred to a variety of entities at the supranational and subnational levels for which it would be difficult to agree on a single definition. Individual States should therefore work with the Committee to decide if and how such entities might be incorporated into the matrix without any unnecessary overlap. In any case, Member States remained the starting point for implementation of the resolution.

22. **Mr. Mashkov** (Russian Federation) said that the reference to non-State authorities in the background paper went beyond the scope of Security Council resolution 1540 (2004), since States alone were responsible for implementation of the resolution. In that respect, the experts must be guided strictly by the resolution and the instructions of the Committee.

23. **Mr. Andemicael** (Expert) recalled that Security Council resolution 1540 (2004) currently did not provide for non-Member States of the United Nations to submit their reports to the Committee, even though several such entities had expressed a desire to do so.

Other matters

24. *Mr. Urbina (Costa Rica), Chairman, took the Chair.*

25. **Mr. Mashkov** (Russian Federation) said that his country had consistently advocated the full implementation of Security Council resolution 1540 (2004) by all Member States of the Organization. In order to increase the effectiveness of the international community's efforts to achieve that long-term goal, he wished to put forward a number of ideas for discussion in the context of the comprehensive review.

26. With a view to enhancing the effectiveness of the Committee's activities and strengthening its coordinating role, particular attention should be paid to scheduling the Committee's work in a more systematic and less ad hoc manner. For example, the Committee should hold meetings once every two weeks and the schedule for its outreach activities should be planned six months in advance.

27. Furthermore, improvements should be made to the Committee's rules of procedures and its modus operandi. For instance, the adoption of important documents, including under the silence procedure, should be preceded by thorough discussions by the full membership of the Committee. Where necessary, such discussions should be held at extended public meetings in order to increase the transparency of the Committee's work. Discussions of particularly important issues might also require the participation of experts from capitals.

28. The Committee's organizational structure should also be optimized to reduce the number of its working groups to a more reasonable level. The time had come to expand the Group of Experts, particularly in the light of the broader objectives established in Security Council resolution 1810 (2008). In that regard, his delegation supported the French proposal to increase the Group of Experts by at least one person.

29. Notwithstanding the important role played by the experts, their status as consultants implied that they should strictly observe the instructions of the Committee and its Chairman. However, that was not always the case. In some cases the experts had prepared unauthorized documents of poor quality on important issues. In that connection, he noted the importance of improving the quality of Committee documentation, particularly the matrix, and of developing country-specific formats for matrices and other templates in order to reflect national specificities.

30. The Committee should prioritize its interaction with States in all areas, given their responsibility for the implementation of Security Council resolution 1540 (2004). In so doing, the Committee should also adopt a tailored approach that took into account national specificities, resources and other capacities. In that context, the Committee should continue to work with those States that had not yet submitted their initial national reports on the implementation of the resolution. Moreover, it should prioritize the consideration and approval of requests for assistance from those countries most in need.

31. Cooperation between the Committee and other Security Council bodies should be organized in such a way as to uphold the Committee's specific non-proliferation role. Similarly, the Committee should adopt a specific approach in its efforts to identify individual spheres of cooperation with international and regional organizations and other multilateral bodies. In any case, such organizations and bodies must provide their assistance in close coordination with the Committee and any proposals made by them must be subject to its consideration and approval.

32. Intergovernmental organizations with the requisite expertise and resources should be requested to provide tailored assistance to States in the implementation of the resolution. Regional and multilateral bodies could also be requested to contribute to the implementation of the resolution, depending on their capacities and on regional specificities. Regional organizations and multilateral structures could also be particularly useful in the

development of best practices at the regional and subregional levels. However, the national efforts of Governments to work with industry and the public, pursuant to paragraph 8 (d) of the resolution, were currently sufficient.

33. His delegation looked forward to an active discussion of its proposals with a view to increasing the efficient implementation by the international community of Security Council resolution 1540 (2004).

34. **Mr. Simanjuntak** (Observer for Indonesia) welcomed the opportunity for increased interaction between members of the Security Council and the General Assembly and stressed that the best way to deal with collective challenges was through an internationally agreed framework. In the context of the ongoing comprehensive review, he suggested holding meetings at which each individual paragraph of Security Council resolution 1540 (2004) was discussed in turn.

35. **The Chairman**, summarizing the discussion, highlighted the importance of greater subregional, regional and international cooperation in the implementation of resolution 1540 (2004). National capacity-building was required in export and border controls. The Committee had noted the need to offer better tools related to assist countries in their implementation of resolution 1540 (2004).

The meeting rose at 5 p.m.